

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:06-00248

BRANDON WALKER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 28, 2012, the United States of America appeared by Erik S. Goes, Assistant United States Attorney, and the defendant, Brandon Walker, appeared in person and by his counsel, William C. Forbes, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Troy A. Lanham, the defendant having commenced a three-year term of supervised release in this action on October 16, 2009, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 24, 2007.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that on April 20, 2012, the defendant violated federal and state law inasmuch as he possessed with intent to distribute approximately one pound of marijuana for which he was arrested by the Dunbar, West Virginia, Police Department, the defendant having stipulated on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; (2) that on April 20, 2012, the defendant violated state law by fleeing from law enforcement in a vehicle when being pursued by an officer in the exercise of his lawful duties, the defendant having stipulated on the record of the hearing that the government possesses sufficient proof to prove the offense by a preponderance of the evidence; (3) that the defendant left the judicial district in which he was being supervised, the Eastern District of Kentucky, without permission inasmuch as he was arrested on April 20, 2012, in Dunbar, West Virginia, in the Southern District of West Virginia, as evidenced by his admission on the record of the hearing; and (4) that the defendant used and possessed marijuana as evidenced by

his admission on June 5, 2012, when he could not provide a urine specimen, that the results would be positive for marijuana, as evidenced by his admission on the record of the hearing; all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a

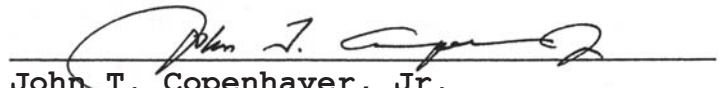
period of EIGHTEEN (18) MONTHS, to be followed by a term of EIGHTEEN (18) MONTHS of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution as close to the Eastern District of Kentucky as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: July 6, 2012


John T. Copenhaver, Jr.
United States District Judge